

To Make J. Pierpont Morgan Disgorge His Stolen Will

Martha Washington's Will, Stolen From the Court House Records in Virginia, Was Bought by Mr. Morgan. Mr. Morgan, Knowing Where It Was Stolen From, Refuses to Give It Up.

WHO owns that priceless, precious document, the original of the last will and testament of Martha Washington, the "Mother of her Country"? Foolish question? Of course! Martha Washington's country owns it. Where is the proper and lawful repository of that will? A question not quite so foolish, but still easily answered:

The County Court of Fairfax County, in the Commonwealth of Virginia, where Martha Washington's last will and testament was admitted to probate. For that is the law of the land.

Would you expect the sovereign State of Virginia, and the county of Fairfax, where Martha Washington lived and held nearly all of her property, to let that law be successfully defied by a receiver of stolen goods? To let Martha Washington's last will and testament remain permanently in the possession of a multimillionaire collector of precious documents?

Wouldn't you expect the Attorney-General of the sovereign State of Virginia, upon that rich collector's refusal to restore the priceless relic to its proper legal repository, to invoke the aid of the United States Supreme Court to compel him to do so?

Well, that is exactly what John Garland Pollard, Attorney-General of Virginia, has done. This is the title of the suit which he has filed with the clerk of the United States Supreme Court:

"Commonwealth of Virginia, complainant, versus John Pierpont Morgan, defendant."

In his petition to the Chief Justice and the Associate Justices of the Supreme Court of the United States, Attorney-General Pollard says:

"That on June 21, 1802, the last will and testament of Martha Washington, deceased, the wife of the first President of the United States of America, dated September 2, 1800, was duly admitted to probate and record before the County Court of Fairfax County, in the Commonwealth of Virginia; that, in accordance with the terms of the statute in such cases made and provided, said will and testament was left and remained in the clerk's office of the County Court of Fairfax County, in the Commonwealth of Virginia; that said will and testament thereby became and now is the property of the Commonwealth of Virginia and a public record thereof, and a document belonging to the Commonwealth of Virginia; that said will and testament is a chattel which has such special, extraordinary, uncommon and unique value that it cannot be replaced by means of money, and is not susceptible of being compensated for by any practicable or certain measure of damages; that said last will and testament is a monument of title under which large and valuable real and personal estate located within the Commonwealth of Virginia have been disposed of; that said last will and testament, left as aforesaid in said clerk's office, was in the possession of the Commonwealth of Virginia at the time it was illegally abstracted as hereinafter set forth; that said last will and testament was wrongfully and illegally abstracted from the possession and control of the Commonwealth of Virginia and has come into the possession and under the control of the said defendant, and that as against your Oratrix, who is the lawful owner of the said last will and testament, the said defendant has not acquired, either at law or in equity, any right, title or interest in and to the said last will and testament."

The petition further states "that although the said defendant has been duly requested so to do, he has failed and refused, and still doth refuse to deliver to your Oratrix the said document."

At least one of these refusals is a remarkable document in itself. Remembering that Martha Washington's will was purloined from the archives of Fairfax County during the Civil War, and remained in the hands of its purloiner and his heir

for nearly fifty years, when it was sold by the latter to J. Pierpont Morgan, the elder, consider the affronters of the following letter signed by Belle da Costa Greene, Mr. Morgan's librarian. It is addressed to Mrs. J. S. Barbour, of Fairfax, Va., regent of the Falls Church Chapter of the Daughters of the American Revolution, and dated December 26, 1913:

"Dear Madame:—Upon his return from England Mr. J. P. Morgan has read your letter of November 10, and in reply has asked me to say that he regrets he is unable to accede to your request that the will of Martha Washington be returned to the archives of Fairfax County."

"Mr. Morgan desires me to say that he will be glad to have this will photographed and send you a set of such photographs. If you so desire, he would appreciate the return of a photograph of the reproduction of the will of George Washington, which is deposited in the archives of Fairfax County."

Needless to say, the Daughters of the American Revolution and the people of Fairfax County were not in a state of mind to be satisfied with Mr. Morgan's photographs of Martha Washington's will.

It was ten years ago that the officials of Fairfax County received their first hint that, perhaps, the Martha Washington will had escaped destruction when the town was sacked during the Civil War. F. W. Richardson, who had then been clerk of Fairfax County for a quarter of a century, began to receive letters from persons in New York asking if a clear title to the will of Martha Washington could be had. His invariable response was that the original will belonged to the people of Fairfax County and could not be legally disposed of by any one into whose possession it had fallen.

Four or five years later R. Walton Moore, an attorney of Washington and Fairfax, learned that the original

will had been seen in the collection of the late J. P. Morgan. He told C. Vernon Ford, the Commonwealth's attorney at Fairfax, and the Board of Supervisors directed Ford to write to Mr. Morgan. He wrote a succession of letters in his official capacity, but never received a reply to any of them. After a time he learned indirectly that the elder J. Pierpont Morgan had declared:

"The will of Martha Washington was contraband of war—loot—and I have a right to keep it."

After the elder Morgan's death pressure was brought to bear upon his son to restore the will to Fairfax County. Governor Stuart gave his attention to the matter. At the annual meeting of the Daughters of the American Revolution, held at Washington in 1914, Mrs. William Cummings Story, their president, read the entire correspondence between the Governor and Mr. Morgan. In this way was made public for the first time the present J. Pierpont Morgan's statement of how the will came into his possession. His statement to Governor Stuart follows:

"The will of Martha Washington was taken from the Fairfax Court House in 1863 by a colonel of the Union army, who rescued it from destruction by his men. This officer re-

tained it in his possession for thirty years, and shortly before his death gave it to his daughter, who, thirteen years later, in 1905, sold it to the late J. Pierpont Morgan."

"Contraband of war?" A Union officer engaged in the task of saving the Union rescued a public document belonging to the Union. Two years later the Union's cause had won.

Law Thomas His brother of my last will and testament. In which I have bequeathed to my daughter and seal this fairly second day of September in the year Eighteen Hundred and —

Sealed, signed, acknowledged and Delivered as her last will and testament in the presence of us the subscribing Witnesses who have been requested to subscribe the same as such in the presence

*Rogan Powell
William Spencer
Lawrence Spivey
Martha Peter*

March 5th 1863 I give to my friend son George Washington Barks Custody my daughter Ellen Elphinstone that I bought of Mr. Barks Washington to him and his heirs forever.

M. Washington

Facsimile of the Last Page of Martha Washington's Will.

The State of Virginia Aroused to Indignation By Morgan's Surprising Letter Offering a Photographic Copy of the Stolen Will Brings Suit to Recover the Precious Document.

recent lecture delivered by Dr. W. H. B. Stoddart, expert in mental diseases at St. Thomas's Hospital, London:

"The swindling financier refuses to acknowledge to himself that he, as a financier, is the same individual who reads the lessons at church and built the local almshouses, or he condones his swindles with acts of piety and

is the same in the case of Martha Washington. Both their lives were really rooted in the soil of that part of Virginia. It was the home dearest to their hearts. Most of the valuable property they left was located there. Martha Washington, at the time of her death, was the richest woman of Fairfax County.

Who would not rather gaze upon

Miss Belle da Costa Green, Mr. Morgan's Librarian, in Mr. Morgan's Library.



PHOTO BY PAUL HENNINGSON

John Garland Pollard, Attorney-General of Virginia.



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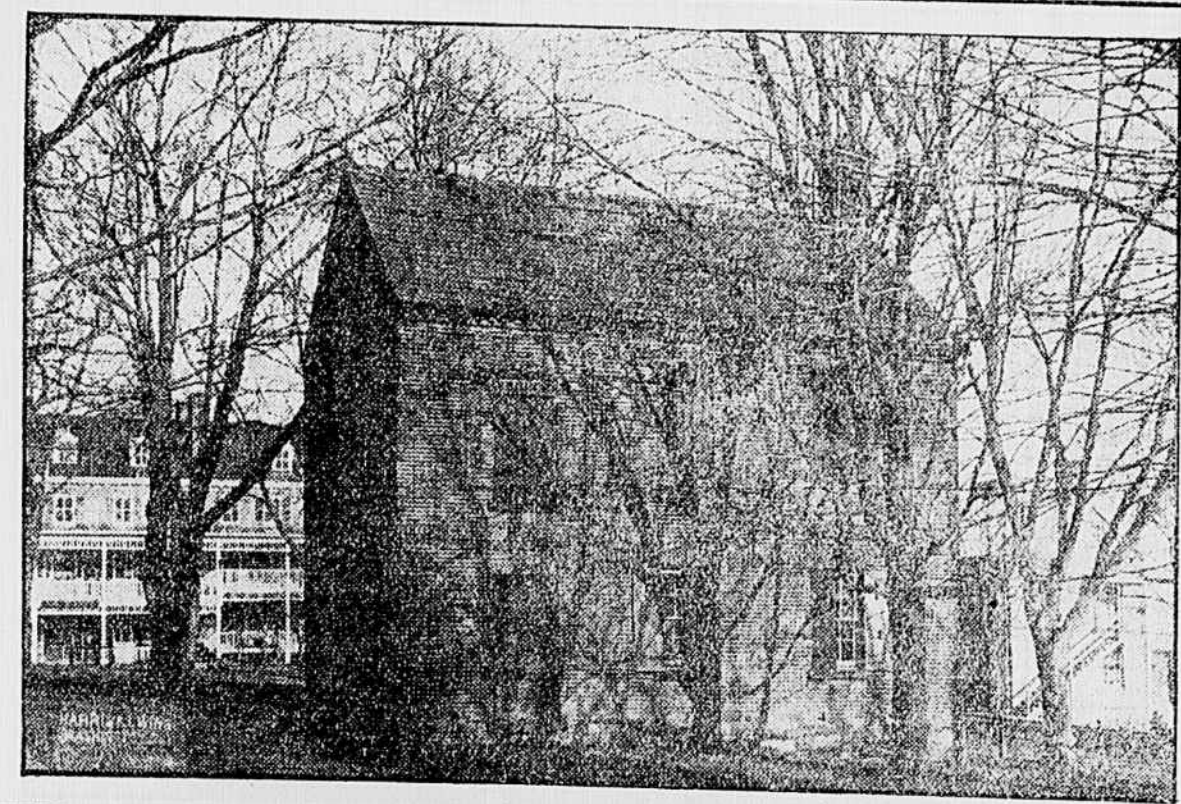
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The Old Court House of Fairfax County, Virginia (And Above) J. Pierpont Morgan, Whose Father Bought the Stolen Will.

the original parchment of the wills of George and Martha Washington in the County Court House, where both of them rested together for nearly half a century, than even to inspect them at Mount Vernon?

In the United States Supreme Court suit which Attorney-General Pollard, for the Commonwealth of Virginia, has brought against J. Pierpont Morgan, he clearly states that with its admission to probate the will of Martha Washington "became and now is the property of the Com-

monwealth of Virginia—a chattel which has such special, extraordinary, uncommon and unique value that it cannot be replaced by means of money, and is not susceptible of being compensated for."

This is virtually a statement of the common law concerning wills. When they have been admitted to probate they are permanently in the custody of that court, and the property of the Commonwealth. This law is common to the codes of all States. Section 2820 of the New York Code of Civil

Procedure, for example, begins with this paragraph: "Every will admitted to probate, together with the decree, order or judgment admitting it to probate, shall be recorded in the proper Surrogate's Court. Where a written will is proved, it must be filed and remain in the Surrogate's office."

In view of all this, how can J. P. Morgan expect to retain possession of the will of Martha Washington, the stolen property of the sovereign State of Virginia?